

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ABU DHABI COMMERCIAL BANK, KING :  
COUNTY, WASHINGTON, SEI :  
INVESTMENTS COMPANY, Together and :  
On Behalf of All Others Similarly Situated, :

Plaintiffs, :

vs. :

MORGAN STANLEY & CO. :  
INCORPORATED, MORGAN STANLEY & :  
CO. INTERNATIONAL LIMITED, THE :  
BANK OF NEW YORK MELLON (f/k/a THE :  
BANK OF NEW YORK), QSR :  
MANAGEMENT LIMITED, MOODY'S :  
INVESTORS SERVICE, INC., MOODY'S :  
INVESTORS SERVICE LTD., STANDARD :  
& POOR'S RATINGS SERVICES, THE :  
McGRAW HILL COMPANIES, INC., :  
CHEYNE CAPITAL MANAGEMENT :  
LIMITED, CHEYNE CAPITAL :  
MANAGEMENT (UK) LLP, CHEYNE :  
CAPITAL INTERNATIONAL LIMITED, :

Defendants. :  
-----X

08 Civ. No. 7508 (SAS)

**ECF CASE**

**NOTICE OF MOTION**

**ORAL ARGUMENT  
REQUESTED**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the Declaration of Tariq Mundiya and the exhibits thereto, the Declaration of Jeffrey Bronheim, the Declaration of Stuart Fiertz, the Declaration of Cynthia Cox, and all the pleadings and proceedings herein, defendants Cheyne Capital Management Limited, Cheyne Capital Management (UK) LLP, and Cheyne Capital International Limited hereby move this court before the Honorable Shira A. Scheindlin, United States District Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, Courtroom 15C, New York, New York 10007, for an Order, pursuant to Federal Rules of Civil Procedure 8(a), 9(b),

12(b)(1), 12(b)(2) and 12(b)(6), dismissing the Third Amended Complaint in the above-captioned action and granting such further relief as the Court deems proper and just.

Cheyne Capital Management Limited, Cheyne Capital Management (UK) LLP, and Cheyne Capital International Limited each retains all of its other defenses and nothing herein shall be construed as a waiver of those defenses, including without limitation any jurisdictional defenses, or be construed as a submission to the Court's personal jurisdiction.

Dated: June 30, 2010

WILLKIE FARR & GALLAGHER LLP

By:



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